

Counsel for Plaintiff/Petitioner
Supreme Ct. No. 0019442
Timothy A. Wilson

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EARL INGELS, : CASE NO. C-1-00-1003
Plaintiff/Petitioner, : (Honorable S. Arthur
 : Spiegel)
-VS- :
HARRY K. RUSSELL, :
and ANTHONY J. BRIGANO :
Defendants/Respondents. :

FILED
JAMES B. BONNINI
CLERK
03 DEC - 1 AM 10:33
WESTERN DIVISION
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

MOTION TO REINSTATE CASE ON ACTIVE DOCKET AND FOR LEAVE TO FILE A
SECOND AMENDED PETITION FOR WRIT OF HABEAS CORPUS

Comes now Plaintiff/Petitioner Earl Ingels, by and through Counsel, and respectfully requests this Court to reinstate the above captioned case to its active docket and to grant Counsel for Plaintiff/Petitioner leave to file a Second Amended Petition for Writ of Habeas Corpus on or before January 15, 2004.

MEMORANDUM

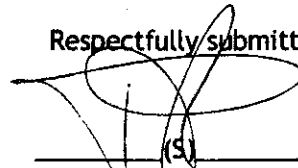
Plaintiff/Petitioner has previously, via motion, informed this Court that he has now exhausted his state remedies as ordered by this Court in its Order filed March 31, 2003. Therefore Plaintiff/Petitioner has now fully complied with conditions of that Order and this case should be reinstated to this Court's active docket.

The initial Petition for Writ of Habeas Corpus and the Amended Petition for Writ of Habeas Corpus were prepared and filed by prior counsel for

Plaintiff/Petitioner. In pleadings filed in the pursuit of state court remedies, current counsel for Plaintiff/Petitioner raised additional issues and errors that occurred both at the trial level and at the state appeals court level. Neither the initial Petition nor the Amended Petition for Writ of Habeas Corpus raised these additional issues. In order to properly present all issues and errors to this Court, counsel believes it is necessary and proper to file a Second Amended Petition for Writ of Habeas Corpus that will set forth additional matters for this Court to consider. By the granting leave to Plaintiff/Petitioner to file this Second Amended Petition for Writ of Habeas Corpus, the due process rights of Plaintiff/Petitioner will be more fully protected.

WHEREFORE, Plaintiff/Petitioner respectfully requests that this Motion be granted.

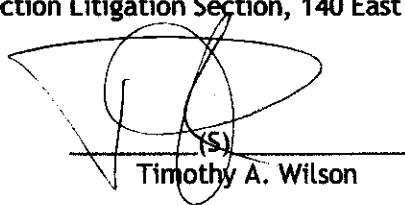
Respectfully submitted,



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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing document was sent via regular mail on this 29th day of November, 2003, to: Stuart A. Cole, Ohio Attorney General Correction Litigation Section, 140 East Town Street, 14th floor, Columbus, Ohio 43215.



Timothy A. Wilson